IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 153 of 2005

Between:

D.V.N.Lakshmi W/o.Veera Swamy
Shop No. 28 Bobbillanka Village, Seethanagaram (M),
East Godavari Dist.

... PETITIONER

AND

1 The Joint Collector East Godavari Dist at Kakinada
2 The Revenue Divisional Officer Rajahmundry E.G.Dist
3 The Mandal Revenue Officer, Seethanagaram,

East Godavari Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not supplying the essential commodities to the petitioner (Fair Price Shop Dealer) of Shop No.28 of Bobbillanka Village, Seethanagaram Mandal, East Godavari Dist as illegal, arbitrary and unjust and consequently direct the respondents to supply the essential commodities as long as the Dealership is neither suspend nor cancelled.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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O R D E R:

The petitioner claims to have been appointed as Fair Price Shop dealer on 09.04.1994. Proceedings were initiated against him under Section 6-A of the Essential Commodities Act (for short "the Act"), on 19.09.2003 with certain allegations. The petitioner states that the proceedings are still pending, and though the appointing authority, namely the second respondent, has neither suspended nor cancelled the authorization of the petitioner, the third respondent is not supplying the essential commodities to him. He seeks appropriate direction in this regard.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Initiation of proceedings under Section 6-A of the Act by itself does not entail any suspension or cancellation of authorization of a Fair Price Shop Dealer. At the most, it may constitute a ground, in case the appointing authority intends to take action. Unless specific orders are passed by the appointing authority, either suspending or canceling the authorization, the dealer cannot be denied the benefit of supply of essential commodities.

Therefore, the writ petition is disposed of, directing that the respondents 2 and 3 shall ensure supply of essential commodities to the petitioner for distribution, as long as his authorization is in force. There shall be no order as to costs.

24th January, 2004

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To

1 The Joint Collector, East Godavari District at Kakinada.
2 The Revenue Divisional Officer, Rajahmundry, E.G.Dist
3 The Mandal Revenue Officer, Seethanagaram,

East Godavari District.

4 Two C.Cs. to the Government Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies